

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14835, of Hee K. Ryu and Yun Hai Fogleman, pursuant to 11 DCMR 3107.2, for a variance from the use provisions (Sub-section 330.5) to allow a dry cleaners and self service laundry, and a retail grocery store, first floor, in an R-4 District at premises 442 and 444 N Street, N.W., (Square 513, Lots 852 and 853).

HEARING DATE: July 26, 1988
DECISION DATES: September 7 and October 5, 1988

DISPOSITION: The Board GRANTED the application by a vote of 3-2 (Carrie L. Thornhill and Charles R. Norris to grant; Elliott Carroll to grant by proxy; William F. McIntosh opposed to the motion; Paula L. Jewell opposed to the motion by proxy).

FINAL DATE OF ORDER: April 17, 1989

ORDER

The Board granted the application by its Order, dated April 17, 1989. On May 1, 1989, Advisory Neighborhood Commission - 2C filed a motion requesting reconsideration of the Board's decision. The bases for the motion are summarized as follows:

1. The applicant did not meet the burden of proof necessary for the granting of a use variance.
2. The proposed use will have an adverse effect on the neighborhood.

By motion received on May 11, 1989, the applicants opposed the motion for reconsideration. The applicants argued, in summary, that the motion for reconsideration offers no new evidence which could not reasonably have been presented at the public hearing and, further, that the arguments presented in the motion were presented by the ANC at the public hearing on the application.

Upon review of the motion, responses thereto, the evidence of record, and its final order, the Board concludes that it has committed no error in deciding the application. The Board concludes that the motion raises no materially different issues nor provides any evidence of a substantive nature that the Board has not previously considered and

addressed in its final order. The Board's decision was based on consideration of all evidence presented by both the applicants and the opposition. The fact that the Board and the ANC came to different conclusions does not make the judgement of the Board arbitrary, capricious or unlawful. Accordingly, the motion for reconsideration is hereby DENIED.

DECISION DATE: June 7, 1989

VOTE: 3-0 (Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to deny; Paula L. Jewell and Elliott Carroll not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JUN 23 1989

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

14835order/LJP49

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14835

As Acting Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated JUN 23 1989, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Rev. E.R. Gibson
First Rising Mt. Zion Baptist Church
6th & N Streets, N.W.
Wash, D.C. 20001

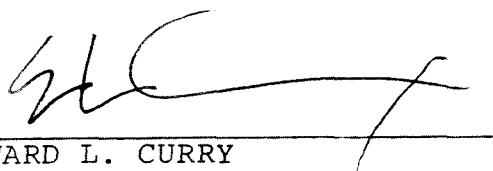
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Richard A. Terrell
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EDWARD L. CURRY
Executive Director

JUN 23 1989
DATE: _____